



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

August 26, 2008

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT
GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter Consultation – Missouri River (South Dakota)
Task Force

The Office of the Secretary of the Army has requested that the Department of Defense re-establish the Missouri River (South Dakota) Task Force (Attached).

Congress authorized the establishment of the task force in December 2000; however, due to inaction by the State of South Dakota the Department of Defense, in February 2004, asked the Committee Management Secretariat to administratively suspend the task force.

Last year Governor Rounds indicated that the State of South Dakota wished to participate in the siltation restoration program authorized by the Missouri River Restoration Act of 2000 (Attached).

Based upon the Governor's decision the Department of Defense, pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR, § 102-3.60, has carefully reviewed the Department of the Army's request, and has determined that re-establishing this non-discretionary federal advisory committee is in the best interest of the Department of Defense and the American public.

The Department of Defense has further determined that this non-discretionary advisory committee is essential to DoD's mission, and that no other DoD or Executive Branch advisory committee can meet these needs. The task force, through its membership, will provide the Secretary of the Army with views and information specific to the Missouri River Basin in South Dakota, and the control and removal of sediment from the Missouri River.

The composition of the task force is stipulated in the Missouri River Protection and Improvement Act of 2000 (hereafter referred to as the Act); it is composed of representatives of four federal agencies and members of the South Dakota Missouri River Trust. The twenty-five members of the Trust are appointed by the Secretary of the Army and consist of a mix of representatives from state and local governments, tribes, and private interests, as stipulated in the Act.

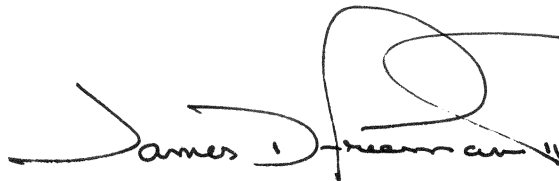


Individuals, appointed by the Secretary of the Army, who are not full-time employees shall serve as Representative Members, and with the exception of travel and per diem for official travel, they serve without compensation.

The task force is authorized to establish subcommittees, and the task force, to include any subcommittees, will operate under the provisions of the Federal Advisory Committee Act of 1972, the Sunshine in the Government Act of 1976 (5 U.S.C. § 552b, as amended), and 41 CFR, Parts 102-3 through 102-3.185.

Prior to submitting a Federal Register notice and subsequently filing the task force's charter with the Library of Congress and the appropriate congressional committees, the Department of Defense respectively requests that the Committee Management Secretariat review and approve the charter (Attached). The charter has been reviewed and approved by the Office of the General Counsel for the Department of Defense.

If you should have any questions about this charter please contact me at 703-601-6128.

A handwritten signature in black ink, appearing to read "James D. Freeman II", with a large, stylized flourish at the end.

James D. Freeman II
Deputy Committee Management
Officer for the Department of Defense

3 Attachments
As stated

TAB 1



DEPARTMENT OF THE ARMY
ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF THE ARMY
105 ARMY PENTAGON
WASHINGTON DC 20310-0105

AUG 06 2008

MEMORANDUM FOR DIRECTOR, ADMINISTRATION AND MANAGEMENT,
OFFICE OF THE SECRETARY OF DEFENSE

SUBJECT: Reactivation of the Missouri River (South Dakota) Task Force Charter

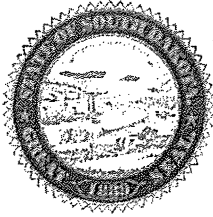
Request reactivation of the Missouri River (South Dakota) (MRSD) Task Force Charter, which has been inactive since February 2004. The MRSD Task Force is a Department of Defense Federal Advisory Committee under the purview of the Secretary of the Army.

The MRSD Task Force justification and proposed Charter are enclosed for your consideration, and meet the criteria established in DoDI 5105.04, E3.4.6.2.1. Recommend approval to reactivate the Task Force.

My point of contact for this action is Marla-Jo Bonuccelli. She may be reached at 703-602-6268 or marla-jo.bonuccelli@hqda.army.mil.

Encl


JOYCE E. MORROW



STATE OF SOUTH DAKOTA
M. MICHAEL ROUNDS, GOVERNOR

August 14, 2007

LTC Joel R. Cross, District Engineer
U.S. Army Corps of Engineers, Omaha District
106 South 15th Street
Omaha, NE 68102-1618

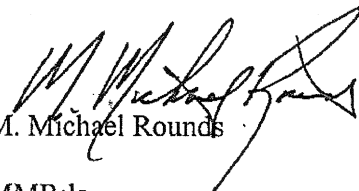
Dear Sir:

This letter concerns the implementation of legislation passed in the Water Resources Development Act of 2000. The purpose for this legislation, Title IX – Missouri River Restoration Act, South Dakota (cited as the “Missouri River Restoration Act of 2000”) is to reduce siltation of the Missouri River in South Dakota and develop and implement long-term strategies to meet the objectives of the Pick-Sloan plan by establishing a Missouri River Restoration Program.

As stated in Section 905 of the legislation, an assessment shall be prepared that addresses the impacts of siltation of the Missouri River, the status of historical and cultural sites, the extent of the erosion and other issues as requested by the task force.

The state of South Dakota is willing and able to cost share in the preparation of an assessment acting as the local sponsor. Please accept this correspondence as a letter of intent from the state of South Dakota with the understanding that the Corps will need to enter into a formal agreement with the state to establish binding terms. The federal share of the cost of carrying out the assessment shall be 75 percent. We understand the non-federal share shall be 25 percent and we may provide our share in any combination of cash, services, materials, or other in-kind contributions.

Sincerely,


M. Michael Rounds

MMR:ls



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
106 SOUTH 15TH STREET
OMAHA NE 68102-1618

CENWO-PM-C


MEMORANDUM THRU NORTHWESTERN DIVISION (CENWD-PDD/FREDERICKS)

FOR HQUSACE (CECW-PB/CUMMINGS)

SUBJECT: Title IX - Missouri River Restoration, South Dakota, Missouri River Trust
Nomination Package

1. In accordance with Public Law 106-541, Title IX - Missouri River Restoration, South Dakota, dated 11 December 2000, please find subject nominations for the Missouri River Trust Committee (Encl 1). Each nomination is accompanied with a resume and, if appropriate, a nomination form. The trust committee is composed of 25 members to be appointed by the Secretary, including 15 members recommended by the Governor of South Dakota; 9 members 1 of each of whom shall be recommended by each of the 9 Indian Tribes in the State of South Dakota; and 1 member recommended by the organization known as the "Three Affiliated Tribes of North Dakota."
2. Also enclosed are a draft charter renewal request (Encl 2) and a financial letter of intent from the State of South Dakota dated August 14, 2007 (Encl 3).
3. Point of contact for this memorandum is William Mulligan, 402-221-7184.

3 Encls
as


DAVID C. PRESS
Colonel, EN
Commanding

CHARTER
MISSOURI RIVER (SOUTH DAKOTA) TASK FORCE

- A. Official Designation: The Committee shall be known as the Missouri River (South Dakota) Task Force (hereafter referred to as the Task Force).
- B. Objectives and Scope of Activities: The Task Force, under the provisions of Section 905 of Title IX of the Water Resources Development Act of 2000", Public Law 106-541, and the Federal Advisory Committee Act of 1972, as amended, shall advise the Secretary of the Army on plans and projects to reduce siltation of the Missouri River in the State of South Dakota and to meet the objectives of the Pick-Sloan Program.

Specifically, the Task Force shall –

- 1) Prepare and approve, by a majority of the members, a plan for the use of the funds made available under the "Missouri River Restoration Act of 2000" to promote conservation practices in the Missouri River watershed, control and remove the sediment from the Missouri River, protect recreation on the Missouri River from sedimentation, and protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion;
- 2) Develop and recommend to the Secretary of the Army for implementation critical restoration projects meeting the goals of the plan; and
- 3) Determine if these projects primarily benefit the Federal Government.

The Secretary of the Army or designee may act upon the Task Force's advice and recommendations.

- C. Task Force Membership: As directed by Public Law 106-541, the Task Force shall be composed of not more than twenty nine members. Specifically, the Task Force Membership shall be composed of –

- 1) Secretary of the Army or designee, who shall serve as the Chairperson;
- 2) Secretary of Agriculture or designee;
- 3) Secretary of Energy or designee;
- 4) Secretary of the Interior or designee; and
- 5) The Trust – The trust is composed of 25 members to be appointed by the Secretary, including 15 members recommended by the Governor of South Dakota; one member recommended by each of the nine Indian Tribes in the State of South Dakota; and one member recommended by the organization known as the "Three Affiliated Tribes of North Dakota".

Task Force Members recommended by the Governor of South Dakota shall include representatives of the North Dakota Department of Health, the South Dakota Department of Environment and Natural Resources, the South Dakota Department of Game, Fish, and Parks, environmental groups, the hydroelectric power industry, local governments, recreation user groups, agricultural groups, and other appropriate interests. These individuals shall be appointed by the Secretary of the Army or designee as Representative Members to the Task Force.

All Task Force Members shall be appointed for two-year terms and shall serve no more than two consecutive terms, or four years total on the Task Force. In addition, all Task Force Members shall, with the exception of travel and per diem for official travel, serve without compensation.

- D. Task Force Meetings: The Task Force shall meet at the call of the Designated Federal Officer, in consultation with the Chairperson, and the estimated number of Task Force meetings is two per year. The Task Force shall be authorized to establish subcommittees, as necessary, to fulfill its mission, and these subcommittees shall operate under the provisions of the Federal Advisory Committee Act of 1972, as amended.
- E. Duration of the Task Force: The need for this advisory function is on a continuing basis; however, it is subject to renewal every two years.
- F. Agency Support: The Department of Defense, through the Secretary of the Army, the Assistant Secretary of the Army for Civil Works, and the U.S. Army Corps of Engineers, shall provide support as deemed necessary for the performance of the Task Force's functions, and shall ensure compliance with the requirements of 5 U.S.C. Appendix 2, Section 6.
- G. Termination Date: The Task Force shall terminate upon rescission of Section 905 of Title IX, the "Missouri River Protection and Improvement Act of 2000", Public Law 106-541.
- H. Operating Costs: It is estimated that the operating costs for this Task Force, to include travel costs and contract support, is \$250,000.00. The estimated personnel costs to the Department of Defense is 1.0 full-time equivalent (FTE).
- I. Charter Filed:

**JUSTIFICATION FOR ESTABLISHING THE CHARTER OF
THE MISSOURI RIVER TASK FORCE
NOVEMBER 2007**

Recommendation. Establishing the charter of the Missouri River Task Force is required to comply with the Missouri River Restoration Act of 2000, (the Act), Title IX of the Water Resources Development Act of 2000 (PL 1006-541). The Office of the Chief Council of the Corps of Engineers has found that the proposed task force meets the definition of a non-discretionary Federal Advisory Committee in accordance with 41 C.F.R. Section 102-3.25.

Membership. The Act establishes the Task Force and stipulates it be composed of representatives of four Federal agencies (Departments of Army, Interior, Agriculture and Energy) and the members of the Missouri River Trust. The 25 members of the Trust are appointed by the Secretary of the Army and consist of a mix of representatives of state and local governments, tribes and private interests, as stipulated in the Act. The Governor of South Dakota recommends 15 members. Additionally, nine members representing each of the nine Indian Tribes in South Dakota plus one member recommended by the organization known as the "Three Affiliated Tribes of North Dakota" (composed of the Mandan, Hidatsa, and Arikara Tribes) are represented on the Task Force.

Purpose. As required by section 705 of the Act, the Task Force shall meet at least twice each year and prepare and approve a plan for the use of funds made available under this title to develop and recommend critical restoration projects as defined in the Act. The Task Force will review projects to meet the goals of the plan and comply with all mandates of section 705 of the Act. The Task Force will also determine which proposed projects primarily benefit the Federal Government. The Secretary in coordination with the Task Force will identify projects to implement. Funding remains available until expended.

Why Advice Cannot Be Obtained From Other Sources. There is no existing organization meeting the requirements of the Act. The Task Force provides the Secretary with views and information specific to the Missouri River basin in North Dakota. This is important as it relates to the project purposes that include control and remove the sediment from the Missouri River, protect recreation on the Missouri River from sedimentation, and protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion.

CHARTER
MISSOURI RIVER (SOUTH DAKOTA) TASK FORCE

- A. Official Designation: The Committee shall be known as the Missouri River (South Dakota) Task Force (hereafter referred to as the Task Force).
- B. Objectives and Scope of Activities: The Task Force, under the provisions of Section 905 of Title IX of the "Water Resources Development Act of 2000", Public Law 106-541, and the Federal Advisory Committee Act of 1972, as amended, shall advise the Secretary of the Army on plans and projects to reduce siltation of the Missouri River in the State of South Dakota and to meet the objectives of the Pick-Sloan Program.

Specifically, the Task Force shall –

- 1) Prepare and approve, by a majority of the members, a plan for the use of the funds made available under the "Missouri River Restoration Act of 2000" to promote conservation practices in the Missouri River watershed, control and remove the sediment from the Missouri River, protect recreation on the Missouri River from sedimentation, and protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion;
- 2) Develop and recommend to the Secretary of the Army for implementation critical restoration projects meeting the goals of the plan; and
- 3) Determine if these projects primarily benefit the Federal Government.

The Secretary of the Army or designee may act upon the Task Force's advice and recommendations.

- C. Task Force Membership: As directed by Public Law 106-541, the Task Force shall be composed of not more than twenty nine members. Specifically, the Task Force Membership shall be composed of –
- 1) Secretary of the Army or designee, who shall serve as the Chairperson;
 - 2) Secretary of Agriculture or designee;
 - 3) Secretary of Energy or designee;
 - 4) Secretary of the Interior or designee; and
 - 5) The Trust – The trust is composed of 25 members to be appointed by the Secretary, including 15 members recommended by the Governor of South Dakota; one member recommended by each of the nine Indian Tribes in the State of South Dakota; and one member recommended by the organization known as the "Three Affiliated Tribes of North Dakota".

Task Force Members recommended by the Governor of South Dakota shall include representatives of the South Dakota Department of Environment and Natural Resources, the South Dakota Department of Game, Fish, and Parks, environmental groups, the hydroelectric power industry, local governments, recreation user groups, agricultural groups, and other appropriate interests. These individuals shall be appointed by the Secretary of the Army or designee as Representative Members to the Task Force.

All Task Force Members shall be appointed for two-year terms and shall serve no more than two consecutive terms, or four years total on the Task Force. In addition, all Task Force Members shall, with the exception of travel and per diem for official travel, serve without compensation.

- D. Task Force Meetings: The Task Force shall meet at the call of the Designated Federal Officer, in consultation with the Chairperson, and the estimated number of Task Force meetings is two per year. The Task Force shall be authorized to establish subcommittees, as necessary, to fulfill its mission, and these subcommittees shall operate under the provisions of the Federal Advisory Committee Act of 1972, as amended.
- E. Duration of the Task Force: The need for this advisory function is on a continuing basis; however, it is subject to renewal every two years.
- F. Agency Support: The Department of Defense, through the Secretary of the Army, the Assistant Secretary of the Army for Civil Works, and the U.S. Army Corps of Engineers, shall provide support as deemed necessary for the performance of the Task Force's functions, and shall ensure compliance with the requirements of 5 U.S.C. Appendix 2, Section 6.
- G. Termination Date: The Task Force shall terminate upon rescission of Section 905 of Title IX, the "Missouri River Protection and Improvement Act of 2000", Public Law 106-541.
- H. Operating Costs: It is estimated that the operating costs for this Task Force, to include travel costs and contract support, is \$250,000.00. The estimated personnel costs to the Department of Defense is 1.0 full-time equivalent (FTE).
- I. Charter Filed:



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

April 24, 2007

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT
GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter Consultation – *Missouri River – South Dakota – Task Force*

Pursuant to Public Law 106-541 and the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Department of Defense established the *Missouri River – South Dakota – Task Force* (hereafter referred to as the South Dakota Task Force) in February 2004.

The South Dakota Task Force is a companion to the *Missouri River – North Dakota – Task Force*, which was authorized in the same legislation. The membership for each task force is established in the statute, and in both instances the governor for each State is responsible for nominating a portion of the task force's membership. Specifically, the governor is responsible for nominating representatives from the Native Indian Tribes in his State.

While the Governor of North Dakota has nominated and the Secretary of the Army has appointed members to the *Missouri River – North Dakota – Task Force*, no action has been taken by the Governor of South Dakota to nominate people for the South Dakota Task Force.

The Department of Defense is unable to proceed with the South Dakota Task Force until Governor Michael Rounds of South Dakota nominates representatives of his Native Indian Tribes to serve on this advisory committee.

Accordingly, the Department of Defense respectfully requests the CMS' approval to continue the administrative suspension of this advisory committee.

The Director of Administration and Management for the Office of the Secretary of Defense, who exercises the Secretary of Defense's statutory and regulatory authorities, and the Department of the Army, who would be the DoD Sponsor for this advisory committee, agree with request.

Please advise if the Department of Defense needs to publish a Federal Register notice to announce that the Task Force, with your concurrence is being administratively suspended.

If you should have any questions about this charter please contact my point of contact, Mr. Jim Freeman, at 703-601-2554, extension 128.

A handwritten signature in black ink, appearing to read "Frank M. Wilson". The signature is fluid and cursive, with a large initial "F" and "W".

Frank M. Wilson
Committee Management Officer
for the Department of Defense

Bonuccelli, Marla-Jo Ms OAA-RPA

From: Fredericks, Jim K NWD [Jim.K.Fredericks@usace.army.mil]
Sent: Friday, July 18, 2008 12:47 PM
To: Bonuccelli, Marla-Jo Ms OAA-RPA
Cc: Smith, Chip R Mr ASA(CW); Angier, Carol F HQ02; Kaiser, Russell L HQ02
Subject: RE: Question (UNCLASSIFIED)

Attachments: ASA(CW) Appointment Request.doc; ix.pdf; ASA(CW) Appointment Request.doc



ASA(CW)
Appointment Request.doc



ix.pdf (54 KB)



ASA(CW)
Appointment Request.doc

Marla-Jo,

Attached are the memos from NWO to NWD Title IX (nomination cover ltr.pdf); memo from NWD to HQ (ix.pdf); and ASA(CW) memo to AASA (ASA(CW)Appointment Request.doc). I realize this is a bit convoluted because we were asking for approval of the task force members at the same time we are seeking renewal of the charter. Hopefully this is sufficient. Let me know if it is not.

Thanks. I appreciate you trying to close this out.

Jim Fredericks
Northwestern Division Economist
CENWD-PDD
(503) 808-3856
(503) 808-3866 (fax)

-----Original Message-----

From: Bonuccelli, Marla-Jo Ms OAA-RPA [mailto:marlajo.bonuccelli@us.army.mil]

Sent: Friday, July 18, 2008 7:47 AM

To: Fredericks, Jim K NWD

Cc: Smith, Chip R Mr ASA(CW)

Subject: Question (UNCLASSIFIED)

Importance: High

Classification: UNCLASSIFIED

Caveats: NONE

Jim,

Do you have a copy of the signed memo CENWO-PM-C, showing that the request came through you and the HQUSACE? My XO returned the action to me to get the documentation before forwarding to the AASA for review and signature. Also, did Mr. Woodley ever sign the memo to the AASA? If so, I need a copy of that memo, as well. Can you assist? Thanks!

In addition, many thanks for all your patience and support. The action to reactivate will be off my desk and moving as soon as I get the signed documents. Thanks!

Have a great Friday!

Marla-Jo

P.S. I am assuming that COL Press will chair the MRSD Task Force as well as the MRND Task Force. If not, who will Chair?

Marla-Jo Bonuccelli
OAA, Resources & Programs Agency
Executive Staff Support Office

MEMORANDUM FOR DIRECTOR, OFFICE OF THE ADMINISTRATIVE ASSISTANT
TO THE SECRETARY OF THE ARMY, RESOURCES AND PROGRAMS AGENCY
(TAYLOR BUILDING, 13TH FLOOR), ATTN: JDRP-RPA

SUBJECT: Appointment of Members to the Missouri River (South Dakota) Task Force

The purpose of this memorandum is to obtain approval of 25 recommended nominees for the subject Task Force, a new advisory committee established by Title IX, Missouri River Restoration, South Dakota, of the Water Resources Development Act of 2000 (PL 106-541). The original Charter was filed on February 9, 2004, with renewal of the Charter (Tab A) currently being coordinated through your office. A financial letter of intent from the State of South Dakota dated August 14, 2007 is provided at Tab B. The members were recommended by the Governor of South Dakota, the nine Indian Tribes in South Dakota, and the organization known as the "Three Affiliated Tribes of North Dakota", in accordance with the statute. The Task Force will prepare and approve a plan for the use of funds made available under Title IX for conservation, sediment control, and the protection of historical and cultural sites along the Missouri River from erosion. Tab C contains a list of the nominees and their resumes. Implementation guidance issued on 28 May 2003 and a current fact sheet is also provided at the Background Tab.

I recommend that you approve these individuals for participation on the Task Force. As you can see by their resumes they are from a broad array of agencies, interest groups, and tribes. An approval memorandum is provided at Tab D for your consideration.

John Paul Woodley, Jr.
Assistant Secretary of the Army
(Civil Works)



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NORTHWESTERN DIVISION
PO BOX 2870
PORTLAND OR 97208-2870

REPLY TO
ATTENTION OF

CENWD-PDD (1105)

21 November 2007

MEMORANDUM FOR CDR USACE (CECW-NWD RIT/Mr. Chuck Moeslein), 441 G
STREET NW, WASH DC 20314-1000

SUBJECT: Title IX – Missouri River Restoration, South Dakota, Missouri River Trust
Nomination Package

1. Reference, Memorandum, CENWO-PM-P, 8 November 2007, subject as Title IX – Missouri River Restoration, South Dakota, Missouri River Trust Nomination Package.
2. Per requirements in Title IX-Missouri River Restoration, South Dakota, of the Water Resources Development Act (WRDA) of 2000, please find enclosed the list of 25 individuals nominated by the State of South Dakota to be Title IX task force members of the Trust (encl 1).
3. Also find enclosed the draft charter renewal request (encl 2), a financial letter of intent from the State of South Dakota dated August 14, 2007 (encl 3), and the Title IX Implementation Guidance (encl 4)
4. A copy of this letter will be sent to Bill Mulligan at CENWO-PM-P. Please contact Mr. Jim Fredericks, at (503) 808-3856, if you have any further questions regarding this matter.

WITT ANDERSON
Chief, Planning / Environmental
Resources / Fish Policy and Support
Division

- 4 Enclosures
1. Nomination List
 2. Draft Charter renewal
 3. Letter of Intent
 4. Title IX Guidance

TAB 2

PUBLIC LAW 106-541—DEC. 11, 2000

WATER RESOURCES DEVELOPMENT ACT
OF 2000

TITLE IX—MISSOURI RIVER RESTORATION, SOUTH DAKOTA

Missouri River
Restoration Act
of 2000.
Conservation.

SEC. 901. SHORT TITLE.

This title may be cited as the “Missouri River Restoration Act of 2000”.

SEC. 902. FINDINGS AND PURPOSES.

- (a) FINDINGS.—Congress finds that—
- (1) the Missouri River is—
 - (A) an invaluable economic, environmental, recreational, and cultural resource to the people of the United States; and
 - (B) a critical source of water for drinking and irrigation;
 - (2) millions of people fish, hunt, and camp along the Missouri River each year;
 - (3) thousands of sites of spiritual importance to Native Americans line the shores of the Missouri River;
 - (4) the Missouri River provides critical wildlife habitat for threatened and endangered species;
 - (5) in 1944, Congress approved the Pick-Sloan program—
 - (A) to promote the general economic development of the United States;
 - (B) to provide for irrigation above Sioux City, Iowa;
 - (C) to protect urban and rural areas from devastating floods of the Missouri River; and
 - (D) for other purposes;
 - (6) the Oahe, Big Bend, Fort Randall, and Gavins Point Dams were constructed on the Missouri River in South Dakota under the Pick-Sloan program;
 - (7) the dams referred to in paragraph (6)—
 - (A) generate low-cost electricity for millions of people in the United States;
 - (B) provide revenue to the Treasury; and
 - (C) provide flood control that has prevented billions of dollars of damage;
 - (8) the Oahe, Big Bend, Fort Randall, and Gavins Point Dams have reduced the ability of the Missouri River to carry sediment downstream, resulting in the accumulation of sediment in the reservoirs known as Lake Oahe, Lake Sharpe, Lake Francis Case, and Lewis and Clark Lake;
 - (9) the sediment depositions—
 - (A) cause shoreline flooding;
 - (B) destroy wildlife habitat;
 - (C) limit recreational opportunities;
 - (D) threaten the long-term ability of dams to provide hydropower and flood control under the Pick-Sloan program;
 - (E) reduce water quality; and
 - (F) threaten intakes for drinking water and irrigation;
 - and
 - (10) to meet the objectives established by Congress for the Pick-Sloan program, it is necessary to establish a Missouri River Restoration Program—
 - (A) to improve conservation;

- (B) to reduce the deposition of sediment; and
- (C) to take other steps necessary for proper management of the Missouri River.
- (b) PURPOSES.—The purposes of this title are—
 - (1) to reduce the siltation of the Missouri River in the State of South Dakota;
 - (2) to meet the objectives of the Pick-Sloan program by developing and implementing a long-term strategy—
 - (A) to improve conservation in the Missouri River watershed;
 - (B) to protect recreation on the Missouri River from sedimentation;
 - (C) to improve water quality in the Missouri River;
 - (D) to improve erosion control along the Missouri River;
 - and
 - (E) to protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion; and
 - (3) to meet the objectives described in paragraphs (1) and (2) by developing and financing new programs in accordance with the plan.

SEC. 903. DEFINITIONS.

In this title, the following definitions apply:

- (1) PICK-SLOAN PROGRAM.—The term “Pick-Sloan program” means the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 891).
- (2) PLAN.—The term “plan” means the plan for the use of funds made available by this title that is required to be prepared under section 905(e).
- (3) STATE.—The term “State” means the State of South Dakota.
- (4) TASK FORCE.—The term “Task Force” means the Missouri River Task Force established by section 905(a).
- (5) TRUST.—The term “Trust” means the Missouri River Trust established by section 904(a).

SEC. 904. MISSOURI RIVER TRUST.

- (a) ESTABLISHMENT.—There is established a committee to be known as the Missouri River Trust.
- (b) MEMBERSHIP.—The Trust shall be composed of 25 members to be appointed by the Secretary, including—
 - (1) 15 members recommended by the Governor of South Dakota that—
 - (A) represent equally the various interests of the public; and
 - (B) include representatives of—
 - (i) the South Dakota Department of Environment and Natural Resources;
 - (ii) the South Dakota Department of Game, Fish, and Parks;
 - (iii) environmental groups;
 - (iv) the hydroelectric power industry;
 - (v) local governments;
 - (vi) recreation user groups;
 - (vii) agricultural groups; and
 - (viii) other appropriate interests;

(2) 9 members, 1 of each of whom shall be recommended by each of the 9 Indian tribes in the State of South Dakota; and

(3) 1 member recommended by the organization known as the “Three Affiliated Tribes of North Dakota” (composed of the Mandan, Hidatsa, and Arikara tribes).

SEC. 905. MISSOURI RIVER TASK FORCE.

(a) **ESTABLISHMENT.**—There is established the Missouri River Task Force.

(b) **MEMBERSHIP.**—The Task Force shall be composed of—

(1) the Secretary (or a designee), who shall serve as Chairperson;

(2) the Secretary of Agriculture (or a designee);

(3) the Secretary of Energy (or a designee);

(4) the Secretary of the Interior (or a designee); and

(5) the Trust.

(c) **DUTIES.**—The Task Force shall—

(1) meet at least twice each year;

(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;

(3) review projects to meet the goals of the plan; and

(4) recommend to the Secretary critical projects for implementation.

(d) **ASSESSMENT.**—

(1) **IN GENERAL.**—Not later than 18 months after the date on which funding authorized under this title becomes available, the Secretary shall submit to the other members of the Task Force a report on—

Deadline.
Reports.

(A) the impact of the siltation of the Missouri River in the State, including the impact on—

(i) the Federal, State, and regional economies;

(ii) recreation;

(iii) hydropower generation;

(iv) fish and wildlife; and

(v) flood control;

(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;

(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and

(D) other issues, as requested by the Task Force.

(2) **CONSULTATION.**—In preparing the report under paragraph (1), the Secretary shall consult with—

(A) the Secretary of Energy;

(B) the Secretary of the Interior;

(C) the Secretary of Agriculture;

(D) the State; and

(E) Indian tribes in the State.

(e) **PLAN FOR USE OF FUNDS MADE AVAILABLE BY THIS TITLE.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.

Deadline.

(2) **CONTENTS OF PLAN.**—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—

Public
information.

(A) conservation practices in the Missouri River watershed;

(B) the general control and removal of sediment from the Missouri River;

(C) the protection of recreation on the Missouri River from sedimentation;

(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;

(E) erosion control along the Missouri River; or

(F) any combination of the activities described in subparagraphs (A) through (E).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final, in accordance with procedures established by the Task Force.

(B) REVISION OF PLAN.—

(i) IN GENERAL.—The Task Force may, on an annual basis, revise the plan.

(ii) PUBLIC REVIEW AND COMMENT.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.

(f) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.

(2) AGREEMENT.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) and this section.

(3) INDIAN PROJECTS.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—

(A) within the boundary of an Indian reservation; or

(B) administered by an Indian tribe.

(g) COST SHARING.—

(1) ASSESSMENT.—

(A) FEDERAL SHARE.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 75 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out the assessment may be provided in the form of services, materials, or other in-kind contributions.

(2) PLAN.—

(A) FEDERAL SHARE.—The Federal share of the cost of preparing the plan under subsection (e) shall be 75 percent.

(B) NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—A non-Federal cost share shall be required to carry out any critical restoration project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out a project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed \$5,000,000 for any critical restoration project.

(C) NON-FEDERAL SHARE.—

(i) IN GENERAL.—Not more than 50 percent of the non-Federal share of the cost of carrying out a project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.

(ii) REQUIRED NON-FEDERAL CONTRIBUTIONS.—For any project described in subparagraph (B), the non-Federal interest shall—

(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(iii) CREDIT.—The Secretary shall credit the non-Federal interest for all contributions provided under clause (ii)(I).

SEC. 906. ADMINISTRATION.

(a) IN GENERAL.—Nothing in this title diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian tribe;

(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled “An Act for the protection of the bald eagle”, approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

TAB 3

CHARTER
MISSOURI RIVER (SOUTH DAKOTA) TASK FORCE

- A. Official Designation: The Committee shall be known as the Missouri River (South Dakota) Task Force (hereafter referred to as the Task Force).
- B. Objectives and Scope of Activities: The Task Force, under the provisions of Section 905 of Title IX, the Missouri River Protection and Improvement Act of 2000, Public Law 106-541, and the Federal Advisory Committee Act of 1972, (5 U.S.C., Appendix, as amended), shall advise the Secretary of the Army on plans and projects to reduce siltation of the Missouri River in the State of South Dakota and to meet the objectives of the Pick-Sloan Program.

Specifically, the Task Force shall –

1. Prepare and approve, by a majority of the members, a plan for the use of the funds made available under Public Law 106-541, to promote conservation practices in the Missouri River watershed, control and remove the sediment from the Missouri River, protect recreation on the Missouri River from sedimentation, and protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion;
2. Develop and recommend to the Secretary of the Army for implementation critical restoration projects meeting the goals of the plan; and
3. Determine if these projects primarily benefit the federal government.

The Secretary of the Army or designee may act upon the Task Force's advice and recommendations.

- C. Task Force Membership: As directed by Public Law 106-541, the Task Force shall be composed of not more than twenty nine members. Specifically, the Task Force Membership shall be composed of –
1. Secretary of the Army or designee, who shall serve as the Chairperson;
 2. Secretary of Agriculture or designee;
 3. Secretary of Energy or designee;
 4. Secretary of the Interior or designee; and
 5. The Trust – The trust is composed of 25 members to be appointed by the Secretary of the Army, including:
 - a) Fifteen members recommended by the Governor of South Dakota that represent equally the various interests of the public; and include representatives of: (1) the South Dakota Department of Environment and Natural Resources; (2) the South Dakota Department of Game, Fish, and Parks; (3) environmental groups; (4) the hydroelectric power industry; (5) local governments; (6) recreation user groups; (7) agricultural groups; and (8) other appropriate interests;

- b) Nine members, one of each of whom shall be recommended by each of the nine Indian tribes of the State of South Dakota; and
- c) One member recommended by the organization known as the Three Affiliated Tribes of North Dakota (composed of the Mandan, Hidatsa, and Arikara tribes).

Task Force Members recommended by the Governor of South Dakota shall be appointed by the Secretary of the Army or designee as Representative Members to the Task Force.

All Task Force Members shall be appointed for a two-year term and shall serve no more than four years total on the Task Force. In addition, all Task Force Members shall, with the exception of travel and per diem for official travel, serve without compensation.

- d) Task Force Meetings: The Task Force shall meet at the call of the Designated Federal Officer, in consultation with the Chairperson, and the estimated number of Task Force meetings is two per year.

The Designated Federal Officer shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures. The Designated Federal Officer and/or Alternate Designated Federal Officer shall attend all Board and subcommittee meetings.

The Task Force shall be authorized to establish subcommittees, as necessary and consistent with its mission, and these subcommittees or working groups shall operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended), and other appropriate federal regulations.

Such subcommittees or workgroups shall not work independently of the chartered Task Force, and shall report all their recommendations and advice to the Task Force for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Task Force nor can they report directly to the Department of Defense or any Federal officers or employees who are not Task Force Members.

- e) Duration of the Task Force: The need for this advisory function is on a continuing basis; however, it is subject to renewal every two years.
- f) Agency Support: The Department of Defense, through the Secretary of the Army, the Assistant Secretary of the Army for Civil Works, and the U.S. Army Corps of Engineers, shall provide support as deemed necessary for the performance of the Task Force's functions, and shall ensure compliance with the requirements of 5 U.S.C., Appendix, as amended.

- g) Termination Date: The Task Force shall terminate upon rescission Section 905 of Title IX, the Missouri River Protection and Improvement Act of 2000, Public Law 106-541.
- h) Operating Costs: It is estimated that the operating costs, to include travel costs and contract support, for this Task Force is \$250,000.00. The estimated personnel costs to the Department of Defense are 1.0 full-time equivalent (FTE).
- i) Recordkeeping: The records of the Task Force and its subcommittees shall be handled according to section 2, General Records Schedule 26 and appropriate DoD policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).
- j) Charter Filed: